



SCHOOL OF LAW

Civil Justice Clinic

Interdisciplinary Environmental Clinic

October 29, 2014

Ms. Emily Albano
FOIA Specialist
EPA Region 7
11201 Renner Boulevard
Lenexa, KS 66219

via e-mail at albano.emily@epa.gov

RE: Freedom of Information Act Request — Ameren Missouri's Labadie, Meramec, Rush Island, and Sioux Power Plants

Dear Ms. Albano:

On behalf of the Sierra Club, we request the following documents pursuant to the Freedom of Information Act:

1. All documents pertaining to the NPDES permits for Ameren Missouri's Rush Island, Meramec, and Sioux power plants, except permits and draft permits after 1985 unless the permits contain notations or responses by EPA personnel;
2. All entrainment and/or impingement studies regarding Ameren's Meramec, Rush Island, and Sioux power plants;
3. The following documents regarding Ameren's Meramec power plant:
 - a. Equitable Environmental Health, Inc., A study of thermal plume from the Meramec facility, June 1976;
 - b. Hunton & Williams, LLP, Report of Thermal Investigations, June 1977;
 - c. Edinger, J.E. et. al., Meramec Plant Hydrothermal Statistics, June 1977;
 - d. Equitable Environmental Health, Inc., Assessment of the Meramec Plant Cooling Water Discharge Plume, June 1977;
 - e. Edinger, J.E. et. al., Meramec Power Plant Thermal Discharge Effects on Biological Populations of Mississippi River, June 1977; and
 - f. All documents concerning a study of the biological impingement data for the Meramec power plant, dated on or about January 2008.
4. The following documents regarding Ameren's Rush Island power plant:
 - a. Rush Island Power Plant, Cooling System Studies, Rush Island Plant Units 1 and 2, dated in or about 1970;

- b. Computer analysis of available Mississippi River temperature data from the vicinity of the Rush Island plant that was collected and sent to the Army Corps of Engineers and the EPA in or about June 1971;
 - c. Five Rush Island power plant Water Temperature Recording Charts from the Union Electric Cooperative and sent to the Army Corps of Engineers in or about June 1971;
 - d. May 28, 1971 letter from the Army Corps of Engineers to Union Electric Co. re. Rush Island power plant, requesting information on the probability of maximum temperature occurrence;
 - e. Request(s) for alternate effluent limits pursuant to section 316(a) of the Clean Water Act, including but not limited to request in or about May 1974; and
 - f. All fact sheets accompanying draft permits for the Rush Island facility.
5. All documents regarding the assessment of a balanced, indigenous population in the vicinity of Ameren Missouri's Rush Island, Meramec, and Sioux plants;
6. All documents regarding thermal discharge limitations for Ameren Missouri's Rush Island, Meramec, and Sioux plants;
7. All documents regarding adverse environmental impacts associated with the cooling water intake systems at Ameren Missouri's Rush Island, Meramec, and Sioux plants;
8. All documents pertaining to the NPDES permit for Ameren's Labadie power plant since April 10, 2013, including without limitation all documents pertaining to the thermal discharge and all documents pertaining to the cooling water intake structure, including documents pertaining to the impacts of such discharge and such structure;
9. All documents pertaining to ash ponds at Ameren's Labadie, Rush Island, Meramec and Sioux plants; and
10. All documents pertaining to groundwater monitoring at Ameren's Labadie, Rush Island, Meramec, and Sioux plants.

For purposes of this request, the term "documents" includes memoranda, notes, correspondence, reports, studies, requests, official comments, fact sheets and e-mails.

On behalf of the Sierra Club, we request a fee waiver under FOIA. The Sierra Club plays an active role in seeking the protection and preservation of the water quality of the United States, including the Mississippi and Missouri Rivers. The Sierra Club is an environmental conservation organization that serves as a source of public education and awareness through direct connection with the public and collaboration with other organizations. The Sierra Club includes more than 400,000 citizen activists and includes 64 local chapters nationwide. For the reasons set forth below, the Sierra Club satisfies the EPA's criteria for a FOIA fee waiver as set forth in 40 C.F.R. § 2.107(1):

1. *“The subject of the requested records must concern identifiable operations or activities of the Federal government.”*

The requested records were obtained or generated by the EPA, a federal agency, during the course of its implementation, oversight, and enforcement of the federal Clean Water Act.

2. *“The disclosable portions of the requested records must be meaningfully informative about government operations in order to be ‘likely to contribute to an increased public understanding of these operations or activities.’”*

The disclosable portions of the requested records are meaningful to the Sierra Club and its members, who are concerned about water pollution in the Mississippi and Missouri Rivers. The “current” versions of these permits are long-expired, and the Sierra Club and its members also have an interest in the permits reflecting current legal requirements. The use of these records will contribute to public understanding of the complex legal and technical issues regarding the Clean Water Act duties and requirements imposed on these four large power plants with significant environmental impacts.

3. *“The disclosures must contribute to the understanding of a reasonably broad audience of persons interested in the subject... A requester’s expertise in the subject area and ability and intention to effectively convey information to the public will be considered.”*

The Sierra Club is dedicated to freely disseminating information about preserving the environment to the public as well as its members, and has served as a critical link between communities and the environmental issues they face for over 120 years. Sierra Club currently has multiple means of conveying information to its members and the public, through its website (<http://www.sierraclub.org/>), collaboration with other organizations and its local chapters, and publication of articles that make complex technical and legal information available to the public. With legal and technical assistance from the Interdisciplinary Environmental Clinic at Washington University, the Sierra Club will help the public and its members to understand the legal and technical issues associated with the Clean Water Act permits for these four power plants. The disclosure of the requested records will help to ensure that the Sierra Club is aware of all relevant information in order to submit useful public comments on draft revisions to these NPDES permits.

4. *“The public’s understanding of the subject in question ...must be enhanced by the disclosure to a significant extent.”*

Requirements for NPDES permits for large power plants have important implications for the residences and environment of Missouri. The NPDES permits covered by this request are significantly out of date and efforts to update them to ensure compliance with the Clean Water Act are important because they address multiple issues such as thermal discharge, ash pond discharge, storm water discharge and groundwater monitoring for local waters. These issues are complex for many residents to understand independent of a resource such as the Sierra Club. The requested documents will enable the Sierra Club to assist members of the public in understanding the adequacy of NPDES permits granted for the protection of local water quality.

5. *"FOI Offices will consider any commercial interest of the requester...that would be furthered by the requested disclosure."*

And

6. *"A fee waiver or reduction is justified where the public interest standard is satisfied and that public interest is greater than magnitude than that of any identified commercial interest in disclosure."*

The Sierra Club is a non-profit organization and has no commercial or economic interest in the requested data. The use of the records requested will be solely for the public interest.

We hope this demonstrates that the Sierra Club is entitled to a fee waiver with respect to this FOIA request. Please advise us if there is any additional information needed to process this request.

Sincerely yours,



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